

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

<b>BUFFALO WINGS FACTORY, INC.</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civ. Action No. 1:07-cv00612</b>
	)	
<b>SALEEM MOHD, et al.</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**BUFFALO WINGS FACTORY’S MOTION TO ENFORCE THE  
CONSENT ORDER AND FOR CONTEMPT SANCTIONS**

Plaintiff Buffalo Wings Factory, Inc. (“Factory” or “Plaintiff), by counsel, pursuant to the Consent Order entered in this case on March 3, 2008, 18 U.S.C. § 402 (the contempt of court statute), and the Federal Rules of Civil Procedure, respectfully submits this Motion to Enforce the Consent Order and for Contempt Sanctions.

1. In support of this motion, Factory submits the accompanying brief, which is incorporated herein by reference.
2. On February 29, 2008, the parties, through their respective counsel of record, signed and submitted a consent order which was entered by the Court on March 3, 2008 (the “Consent Order” or “CO”). The Consent Order included both monetary terms and injunctive provisions requiring Defendants to change their trademarks, tag lines, signs, menu and product offerings.
3. On June 23, 2008, the Court rendered a decision confirming the Consent Order and rejecting on the merits Defendants’ dilatory contention that their former

attorney had defrauded them into entering into the Consent Order. (Docket Nos. 112, 113).

4. Defendants have made no significant effort to comply with their obligations under the Consent Order, either before the Conversion Date or since the Court confirmed the Consent Order by decision dated June 23, 2008.

5. Defendants continue openly and notoriously to violate virtually all of the specific and express payment, trademark and re-naming provisions of the Consent Order.

6. As of today, Defendants' paper menus, product offerings, and website still include virtually all of the menu items and infringing marks and slogans the removal of which was required by the Consent Order to be completed by the June 1, 2008 Conversion Date.

7. Defendants therefore are in civil contempt, and should be ordered to pay Factory a contempt fine or sanction, plus Factory's costs and attorneys' fees.

WHEREFORE, Factory requests that the Court order, adjudge and decree as follows:

(A) Defendants must sign the promissory note previously furnished by Factory, confess judgment in the principal amount of \$150,000, and immediately pay Factory \$150,000 plus the attorneys' fees it is incurring and has incurred to obtain payment and enforce the Consent Order.

(B) Defendants must immediately abide by the trademark, advertising and product offering restrictions set forth in the Consent Order.

(C) \$26,000 per week is awarded in favor of Factory and against Defendants as a civil contempt sanction for each past, present and future week that Defendants have

violated or continue to violate the Consent Order. Alternatively, under the one-third of wrongful revenues standard, civil contempt fines of \$9,000 per week, or \$45,000 to date, should be awarded against Defendants and in favor of Factory as a civil contempt fine or sanction.

(D) Defendants must pay Factory the attorneys' fees, costs and expenses which it has incurred in defending and enforcing the Consent Order.

(E) Factory is entitled to such alternative or additional relief as the interests of justice may require or which the Court deems just and proper.

Dated This 3<sup>rd</sup> Day of July, 2008

Respectfully Submitted,

BUFFALO WINGS FACTORY, INC.  
By Counsel:

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> Day of July, 2008, a true and correct copy of the foregoing motion was filed and served through the Clerk of Court pursuant to the Court's electronic filing procedures using the Court's CM/ECF system, which will then send a notice of electronic filing (NEF) to the following counsel of record for the defendants:

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